

# WILDERNESS AREAS AND HISTORIC SITES

---

## HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

**S. 1071**

A BILL TO DESIGNATE CERTAIN  
LANDS IN THE BLACK CANYON  
OF THE GUNNISON NATIONAL  
MONUMENT, COLORADO, AS WIL-  
DERNESS

**S. 2398**

A BILL TO AUTHORIZE THE ES-  
TABLISHMENT OF THE EUGENE  
O'NEILL NATIONAL HISTORIC  
SITE, AND FOR OTHER PUR-  
POSES

**S. 1082**

A BILL TO DESIGNATE CERTAIN  
LANDS IN THE GREAT SAND  
DUNES NATIONAL MONUMENT,  
COLORADO, AS WILDERNESS

**S. 2642**

A BILL TO AUTHORIZE THE SEC-  
RETARY OF THE INTERIOR TO  
ESTABLISH THE OLD NINETY-  
SIX AND STAR FORT NATIONAL  
HISTORICAL PARK IN THE  
STATE OF SOUTH CAROLINA,  
AND FOR OTHER PURPOSES

---

MARCH 24, 1976



Printed for the use of the  
Committee on Interior and Insular Affairs

STATEMENT OF DR. RICHARD C. CURRY, ASSOCIATE DIRECTOR FOR LEGISLATION,  
NATIONAL PARK SERVICE

Mr. Chairman, I am pleased to appear today before the subcommittee to recommend enactment of legislation which would designate wilderness within the Black Canyon of the Gunnison and the Great Sand Dunes National Monuments in Colorado.

Mr. Chairman, as called for by the Wilderness Act of 1964 we have held public field hearings and reported to the Congress on wilderness suitability for 56 national park system units, including Black Canyon of the Gunnison and Great Sand Dunes. The field hearings for Black Canyon of the Gunnison national monument were held in Montrose, Colorado, on December 3, 1970, and in Gunnison, Colorado, on December 5, 1970. The field hearing for Great Sand Dunes National Monument was held in Alamosa, Colorado on July 1, 1970.

Mr. Chairman, there has been a healthy exchange of viewpoints as a result of our field hearings on preliminary wilderness proposal. Our analysis of these viewpoints and our professional views are reflected in our recommendations now before the subcommittee.

A significant result of public involvement has been the change away from the early concept of buffer zones and large exclusions as we have developed guidelines for wilderness proposals and management.

The guidelines, issued on June 24, 1972, recognize that both developed use areas, and preservation areas, are necessary to fulfill the purposes for which the parks were established. They recognize that wilderness perpetuation requires constant monitoring of man's influences on natural processes and life systems, and responsive, careful management. The Wilderness Act and our guidelines permit the use of motor vehicles, motorized equipment, mechanical transport, structures or installations only as necessary to meet minimum requirements for the administration of the Wilderness Area, including emergency measures. Our guidelines require the manager to use the minimum tool, equipment or structure necessary to successfully, safely and economically accomplish the management objective. The chosen tool or equipment is to be the one that least degrades wilderness values temporarily or permanently. Accepted tools include such things as fire towers, patrol cabins, pit toilets, temporary roads, spraying equipment, hand tools, equipment caches, fencing and fire management. In special cases involving the perpetuation of wilderness values, or in emergencies, aircraft, motorboats, and motorized vehicles may be used.

Wilderness campsites for public use may contain pit toilets, fire rings, tent sites, and a hand-operated water pump. This kind of campsite could be removed or relocated as management needs dictate. Campsites which contain permanent buildings, water treatment or sewage disposal facilities, and which provide visitor conveniences such as beds, meals and supplies will not be included in wilderness. Some areas studied contain small boat docks, water guzzlers to sustain wildlife, and primitive shelters that ought to be retained but may not qualify as minimum structures necessary for the health and safety of wilderness users or the protection of wilderness values. When such an area would otherwise qualify as wilderness, we recommend such areas with a specific provision in the proposed legislation to permit retaining and maintaining these structures. A similar provision is taken with respect to permitting underground utility lines. An area under study may also contain hydrometeorologic devices for monitoring water resources outside the wilderness area. When these devices are found to be necessary, a specific provision allowing their use will be included in legislation proposing wilderness designation. For the installation, servicing and monitoring of these devices the minimum tools and equipment necessary to safely and successfully accomplish the job will be used.

The guidelines provide that stock driveways and areas being grazed may be included in wilderness if the imprint of man's work is substantially unnoticeable. Generally, we have included stock driveways and grazing areas if their operation does not include the use of roads, structures, mechanical equipment, or motor vehicles. Our guidelines also permit the inclusion in wilderness of lakes created by water development projects if they are maintained at a relatively stable level and have a natural appearing shoreline.

When lands are presently unqualified but will within a determinable time qualify and be available Federal land, a special provision is included in the legislative proposal giving the Secretary of the Interior the authority to designate the lands as wilderness when he determines it qualifies. This potential wilderness addition might be a private inholding containing some improvements but which the National Park Service has authority and plans to acquire. Once acquired, and after removal of any nonconforming uses, the area would be added to the wilderness with proper notice by the Secretary of the Interior.

QUESTIONS FOR MARCH 24, 1976, HEARING

Question: Based on Senator Church's statement during the May 5, 1972 wilderness hearing:

"What the act intends and contemplates is that small private inholdings, minerals, grazing areas and the like, which constitute established private rights or privileges may be encompassed within the boundaries of a wilderness area, and need not be specially enclaved or otherwise segregated from the wilderness area within which they lie."

and based on your experience in reviewing potential wilderness areas for designation, the Committee would like to know what the Department considers "Potential Wilderness Additions."

Answer: "Potential Wilderness Additions" are non-qualifying lands surrounded by or adjacent to an area proposed as wilderness and such lands will within a determinable time qualify and be available Federal land. Such lands are subject to uses or activities which are incompatible with wilderness or not under the complete control of the agency subject to the Wilderness Act. Such areas may involve non-Federal ownership or permitted uses on Federal lands.

Question: What are examples of the uses or activities which you believe are incompatible with wilderness?

Answer: Non-Federal lands or lands with non-Federal interests can be impaired through development, mining or agricultural uses so that natural conditions no longer exist. When all rights are acquired, drastic actions may be necessary to ameliorate existing conditions. Such land cannot be managed as directed by the Wilderness Act so as, "to preserve its natural conditions."

Question: To date, no wilderness proposals have been enacted which contain the "Potential Wilderness Additions" provision; what is the reasoning behind its use?

Answer: The legislative language we propose would simply make the designation of these lands as wilderness be effective at such future time when the agency has control over its use and is able to manage the area "to preserve its natural conditions" as directed by the Wilderness Act.

The rationale behind designating such lands as "Potential Wilderness Additions" is to eliminate the need to invoke the legislative process once again when the lands have become compatible with wilderness designation.

Question: Many of the Department's proposals contain special management language. Sec. 4 of the Act of 1964 dealing with management "except as necessary to meet minimum requirements for the administration of the area for the purpose of this act" seems to be broad enough to cover any management that would be necessary in any wilderness area. Senator Church stated that "The issue is not whether necessary management facilities and activities are prohibited; they are not--the test is whether they are in fact necessary."

a. Why do you feel special management language is necessary?

Answer: Some areas studied for wilderness contain structures such as small boat docks, water guzzlers or small water tanks to sustain wildlife, and primitive shelters. In some areas we foresee a need for the occasional maintenance use of motor vehicles or motorized equipment. The Wilderness Act is ambiguous on many of these issues and is open to interpretation in many ways.

To insure clear standards for wilderness management the Department tried in its guidelines to delineate what is permissible in wilderness and what is not. It was felt that if we were not specific in our guidelines, and also specific in the legislation, that eventually wilderness criteria could be broadened so that some things would be allowed that should not be permitted. That is why we feel when the Congress does allow a specific use in a wilderness area, that normally would not be considered compatible with wilderness, then it is a good idea to spell that out in legislation, then it is recognized that this is a specific need for this specific area and not a normal use in wilderness.

Question: b. Why place such language in the bill itself instead of the report of the bill?

Answer: By placing the special management language directly in the bill it is explicitly clear what is specially authorized, and will avoid calling into question the authorization which Congress has given. This has been done in other cases. For example, special management language was placed in the designating act for the Okefenokee National Wildlife Refuge which authorizes the use of motorboats, the maintenance of boat trails and the regulation of fishing. Again, special management language was included in the designating act for the Desolation Wilderness in the Eldorado National Forest which authorizes access to two reservoirs and their operation and maintenance. In each case the report on the bill provides the reason why these activities are authorized.